

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

KEVIN COOK and CABELL GOODMAN, §

PLAINTIFFS, §

VERSUS §

ADVON CORPORATION, §

DEFENDANT. §

CASE NO.: 3:24cv656

DEFENDANT'S NOTICE OF REMOVAL

Defendant Advon Corporation, pursuant to 28 U.S.C. § 1332, 1441, and 1446, as amended, files this Notice of Removal hereby removing this action from the Circuit Court for the City of Richmond, to this United States District Court for the Eastern District of Virginia, and in support of said removal, states unto the Court the following:

(1) On August 5, 2024, Plaintiffs Kevin Cook and Cabell Goodman ("Plaintiffs") filed a Complaint captioned *Kevin Cook and Cabell Goodman v. Advon Corporation, a Florida corporation*, Case No. CL24-3423, in the Circuit Court for the City of Richmond, Virginia. A copy of the Complaint and Citation was served on Defendant via its registered agent on August 26, 2024. A copy of the Complaint and Citation served on Defendant, along with all pleadings filed in state court, are attached hereto as **Exhibit A**.

(2) This action is one of a civil nature for breach of contract and violation of the commonwealth wage statute over which the United States District Court for the Eastern District of Virginia has original jurisdiction by virtue of 28 U.S.C. § 1332, because (a) the parties are diverse citizens of different states, and (b) the amount in controversy exceeds \$75,000.00,

exclusive of interests and costs. This Court also has supplemental jurisdiction over the state claims pursuant to 28 U.S.C. § 1367.

- a. Plaintiffs aver that they are residents of Virginia. Complaint, ¶2.
- b. Plaintiffs aver that Defendant is a Florida corporation. Complaint, ¶2. Attached as **Exhibit B** is a copy of Defendant's annual report filing with the Florida Secretary of State showing its principal place of business as Tallahassee, Florida.
- c. Plaintiffs seek \$934,340.00 in damages from Defendant. Complaint, ¶¶ 17, 21, 30 and prayer.

(3) Defendant is removing this case timely within the thirty (30) day requirement set forth in 28 U.S.C. § 1446(b)(1). *See* **Exhibit A**.

(4) Pursuant to 28 U.S.C. § 1446(a), Plaintiffs' Complaint may be removed to this Court because the United States District Court for the Eastern District of Virginia is the district embracing the place where the Complaint is currently pending.

(5) Pursuant to 28 U.S.C. § 1446(a), copies of all papers and process received by Defendant are filed herewith.

(6) Pursuant to 28 U.S.C. § 1446(d), a notice of removal will be filed with the Circuit Court for the City of Richmond for the Commonwealth of Virginia, and served upon Plaintiffs through their counsel of record.

(7) Pursuant to 28 U.S.C. § 1446(a) and (d), this Notice of Removal complies with the requirements concerning a short and plain statement for the grounds of removal and the filing of all process, pleadings, and orders served upon Removing Defendant from the state court action.

See **Exhibit A**. These documents constitute all process, pleadings, and orders served upon Removing Defendant in this case at the time of the filing of this Notice of Removal.

WHEREFORE, Defendant files this Notice of Removal, reserving all defenses, and giving notice that the Circuit Court for the City of Richmond, Virginia, should proceed no further with respect to this cause in accord with 28 U.S.C. § 1446(d).

Respectfully submitted this 16th day of September, 2024.

/s/ ELIZABETH BAILLY BLOCH

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I have on this 16th day of September, 2024, electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record and a copy is being provided via electronic mail as well.

/s/ Elizabeth Bailly Bloch
ELIZABETH BAILLY BLOCH